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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,189	02/24/2004	Hiroaki Kawai	1341.1107D	1101

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EXAMINER

LEE, DIANE I

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H-A

Office Action Summary	Application No.	Applicant(s)	
	10/784,189	KAWAI, HIROAKI	
	Examiner	Art Unit	
	D. I. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/955,973.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-4 are presented for examination.

Priority

2. Acknowledgment is made that this application is a divisional application of application Serial No. 09/955973 filed 20 September 2001, which issued as U.S. Pat. No. 6,732,931. Acknowledgment is also made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/955973, filed on 9/20/2001.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over a Prior Admitted by the applicant [PAAA].

PAAA teaches that a conventional bar code reader 20 having:
a reading unit 20, which reads a code 71, gives to a commodity 70 (see figures 19-20);
wherein the reader having an optical unit 24 for emitting beams B1, B2, and B3 of laser light sequentially and continuously to the reading window (see paragraph 9);
wherein the conventional bar code reader 20, the operational interval, reading time, and double read band time are set by default as setting information (see paragraph 22, i.e., the regardless of the individual operator setting information or personal features, this obviously teaches that the default setting includes emitting beams that are most optimally used by the

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operator based on the operational default interval, default reading time, and default double read band time, see paragraphs 16-17, 31);

a setting unit 28 sets operation standard on the basis of the default operator setting information as a fixed values and set the setting before the operation (see page 4, lines 17+);

a writing unit writes the uniformly determined or default operator setting information in the memory 29 (i.e., by the person in charge of the manufacturer of the bar code reader, see paragraph 16);

a controller 26 monitors all operation of the reading unit 20, which obviously includes the operation of monitoring whether the operation of the reader conforms to the preset operation standard or not (see paragraph 15).

PAAA fails to teach that the default setting of emitting beams that are most optimally used by the operator is the most frequently used beam of the plurality of beams owing to the personal features of the operator in the operation for reading the code.

However, the fact that the setting unit 28 sets operation standard on the basis of the default operator setting information as a fixed values and set the setting before the operation, this setting unit 28 obviously sets the default emitting beam based on the operational default interval, default reading time, and default double read band time most frequently used beam by a default owing to the default personal feature of the operator (see page 4, lines 17+).

In view of above discussion, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to recognized that this setting unit 28 of PAAA, which sets the default emitting beam based on the operational default interval, default reading time, and default double read band time as the most frequently used beam by default that is preferably owing to the default personal features of the operator, meets the claimed limitation of a frequent beam specifying unit which specifies the most frequently used beam of the plurality of beams owing to the personal features of the operator in the operation for reading the code

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(i.e., in this case, the personal default features of the operator in the operation of the reading the code) in order to conform to the default operation of the scanner.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watts et al. [US 6,408,260] discloses a device with an associated programmable controller which permit an operator to specify beam quality parameters based on historical data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876